

306: Designation of Regional LTCOPs

- A. The SLTCO shall designate provider agencies to provide ombudsman services throughout Illinois.
- B. In order to be eligible for designation by the SLTCO as a provider agency, an entity must:
 - 1. be a public or not for profit entity;
 - 2. not be an agency or organization responsible for licensing or certifying long term care services;
 - 3. not be an association (or an affiliate of an association) of providers of long term care or residential services for older persons;
 - 4. not interfere with representatives of the Office in the performance of their official duties;
 - 5. have demonstrated capability to carry out the responsibilities of the provider agency;
 - 6. have no financial interest in a long term care facility;
 - 7. have a clearly definable unit to function as the Regional LTCOP;
 - 8. have sufficient staff to perform all duties and responsibilities as outlined in Chapter 400 of this Manual which shall include a designated individual, known as the RO and at a minimum have such additional paid CO to have one (1) full time equivalent for every 4,500 beds or units in licensed long term care facilities in the service area;
 - 9. be open for business at least seven (7) hours each

working day and shall not be closed for more than four (4) consecutive days;

10. be open for business not less than 248 working days per calendar year;
 11. agree to retain all records relevant to the LTCOP for three (3) years after final payment on the grant award or contract and all other pending matters are closed; and,
 12. meet all grant and contractual requirements and all standards set forth in this manual.
- C. An AAA shall conduct a Request for Proposal (RFP) process for identification of Regional LTCOP(s) in accordance with Department guidelines. They shall advertise for letters of intent in the Official State Newspaper and/or any other newspapers used in the past.
1. If the only reply is from the current LTCOP provider entity, and the AAA does not wish to seek designation, that agency will complete a noncompetitive "renewal" proposal created by IDoA.
 2. If more than one eligible entity expresses an interest in bidding on the contract or grant then the AAA shall issue a request for proposal (RFP) developed by IDoA.
 3. If the AAA does not receive any letters of intent, the AAA is the current LTCOP provider entity, and the AAA wishes to be the Regional LTCOP, the AAA will complete a noncompetitive "renewal" proposal created by IDoA.
 4. If one or more entities expresses an interest in seeking designation and the AAA also wishes to be the Regional LTCOP, then the Department shall issue an

RFP.

5. If there is no entity who expressed interest in bidding on the contract or grant, the AAA shall be asked by IDoA to fill the designation.
- D. The AAA shall require that all applying entities develop an Ombudsman Proposed Services Response setting forth:
1. the goals and objectives of such entity in providing LTCOP services;
 2. a description of how each LTCOP Service Component in Chapter 400 of this Manual shall be met by such applying entity including its staffing plan for the Regional LTCOP;
 3. a description of the number of anticipated volunteers to be recruited and the process in which volunteers will be recruited, trained, supervised and retained; and
 4. a description of the resources of the entity which will be provided to assist in the operation of the Regional LTCOP.
- E. The AAA shall forward copies of a noncompetitive "renewal" proposal or the Ombudsman Proposed Services Responses of all responding entities along with their documentation supporting a request for designation to the Office.
- F. The AAA shall recommend an entity for designation as a provider agency to the Office and shall provide the Office with information supporting its recommendation.
- G. The SLTCO shall review and consider either the noncompetitive "renewal" proposal or all the Ombudsman Proposed Services Responses submitted to the AAA and the

recommendation of the AAA, and shall determine the entity most appropriate to be designated as the provider agency for the service area.

- H. If the Office agrees with the AAA recommendation(s), the SLTCO shall notify the AAA of its designation determination within 30 days of receiving the AAA's recommendation. The Director shall be notified of all designation decisions.
- I. The AAA shall notify the responding entities of the SLTCO's designation decision within (15) days of receiving such notification. The AAA notification shall include notice of the right of every entity not chosen to appeal the SLTCO's determination pursuant to the Department's procedures.
- J. If the Office does not agree with the AAA recommendation(s), the SLTCO and the Department will meet with the AAA to discuss the differences and attempt to reach a joint agreement.
- K. If an agreement is reached, the SLTCO shall notify the AAA of its designation determination and the AAA shall notify the responding entities of the SLTCO's decision, as in (I) above.
- L. In the event that an agreement cannot be reached on the designation decision, the Director will be provided with a review of the recommendation rationale of both the AAA and the Office. The Director will, on the basis of this review, render a final designation decision. The state agency will afford an opportunity for a hearing upon request in accordance with the Department appeal procedures to any provider agency who makes application to provide LTCOP services and is not designated.
- M. Upon designation by the SLTCO, the AAA shall enter into

a grant or contract with the provider agency for the provision of LTCOP services in the relevant service area. Such grant or contract must:

1. specify the service area;
2. require the provider agency to adhere to all applicable federal and state laws, regulations, and this Manual;
3. provide that designation by the SLTCO continues for the duration of the grant or contract and the subsequently renewed grants or contracts unless the provider agency is de-designated by the SLTCO, upon which the AAA will terminate its contract in accordance with Section 307 of this Manual; and,
4. require the provider agency to give sixty (60) days notice of voluntary contract termination.

N. The effective date of the provider agency's grant or contract with the AAA shall constitute the effective date of the designation of the entity as a provider agency.

O. Should the grant or contract between the provider agency and the AAA not be renewed or be terminated for any reason, the AAA shall:

1. immediately notify the Office;
2. follow the steps in Section 306 of this Manual to designate a new provider agency as soon as practicably possible; and
3. follow the steps in Section 305 of this Manual to provide continuation of LTCOP services.

- P. Where the AAA seeks to serve as the provider agency, the designation shall occur as follows:
1. the AAA may be considered as a provider agency where the Department determines that either:
 - a. the designation of the AAA as the provider agency is necessary to assure an adequate supply of ombudsman services; or
 - b. the ombudsman services are directly related to the AAA's administrative functions; or
 - c. the ombudsman services can be provided more economically, and with comparable quality by the AAA.
 2. the AAA shall advertise for letters of intent in the Official State Newspaper and/or any other newspapers used in the past.
 - a. if the AAA does not receive any letters and the AAA is the current LTCOP provider entity, the AAA will complete a noncompetitive "renewal" proposal created by IDoA.
 - b. if one or more entities expresses an interest in seeking designation then the IDoA shall issue an RFP seeking an entity to provide LTCOP services within its service area. The RFP shall identify the criteria for designation as a provider agency in keeping with this Manual, and shall request submission of documents supporting the entity's claim to meet these criteria.
 3. the IDoA shall require that all applying entities develop an Ombudsman Proposed Services Response

setting forth:

- a. the goals and objectives of such entity in providing LTCOP services;
 - b. a description of how each LTCOP Service Component in Chapter 400 of this Manual shall be met by such applying entity including its staffing plan for the Regional LTCOP;
 - c. a description of the number of anticipated volunteers to be recruited and the process in which volunteers will be recruited, trained, supervised, and retained; and
 - d. a description of the resources of the entity which will be provided to assist in the operation of the Regional LTCOP.
4. the SLTCO shall first determine if the AAA has met the requirements of OAA to be considered an applicant, and consider all the Ombudsman Proposed Services Responses submitted to then determine the entity most appropriate, in keeping with this Manual, to be designated as the provider agency for the service area.
 5. the SLTCO shall notify all the applying entities of the SLTCO decision within forty-five (45) days. The notification shall include notice of the right of every entity not chosen to request a hearing to appeal the SLTCO's determination pursuant to the Department's procedures.
 6. upon designation by the SLTCO, the IDoA or the AAA may enter into a grant or contract with the selected provider agency for the provision of LTCOP services in

the relevant service area. Such grant or contract must:

- a. specify the service area;
- b. require the provider agency to adhere to all applicable federal and state laws, regulations, and policies; and
- c. provide that designation by the SLTCO continues for the duration of the grant or contract (including subsequent renewals), unless the provider agency is de-designated by the SLTCO.

7. The effective date of the provider agency's grant or contract with the IDoA shall constitute the effective date of the designation of the entity as a provider agency.

8. Should the grant or contract between the AAA and the IDoA to provide LTCOP services not be renewed, or be terminated for any reason, the process in Section 305 of this Manual shall be followed.

F. Where any grant or contract for LTCOP services is not with or through the AAA due to the failure or refusal of an AAA to participate in the designation process, the designation of a new provider agency shall occur through another AAA (selected by the IDoA) as described in Section 304 of this Manual or as follows:

1. the IDoA shall advertise for letters of intent in the Official State Newspaper and any other newspapers used in the past.

a. If the only reply is from the current LTCOP

provider entity, that agency will complete a noncompetitive "renewal" proposal created by IDoA.

- b. If more than one eligible entity expresses an interest in bidding on the contract or grant then the IDoA shall issue an RFP seeking an entity to provide LTCOP services within its service area. The RFP shall comply with the model RFP created by the IDoA, shall identify the criteria for designation as a provider agency in keeping with this Manual, and shall request submission of documents supporting the entity's claim to meet these criteria. The IDoA shall issue a RFP seeking an entity to provide LTCOP services within a particular service area. The RFP shall identify the criteria for designation as a provider agency and shall request submission of documents supporting the entity's claim to meet these criteria.
2. The IDoA shall require that all applying entities develop an Ombudsman Proposed Services Response setting forth:
- a. the goals and objectives of such entity in providing LTCOP services;
 - b. a description of how each LTCOP Services Component in Chapter 400 of this Manual shall be met by such entity including its staffing plan for the Regional LTCOP;
 - c. a description of the number of anticipated volunteers to be recruited, and the process in which volunteers will be recruited, trained, supervised, and retained; and,

- d. a description of the resources of the entity which will be provided to assist in the operation of the Regional LTCOP.
3. The SLTCO shall review each submitted Ombudsman Proposed Services Response and shall choose the entity most appropriate to serve as the provider agency based on the submitted Ombudsman Proposed Services Responses and on the criteria for designation. In considering which entity is most appropriate to be designated as the provider agency, the SLTCO may consult with the AAA serving the relevant service area.
4. The SLTCO shall notify the applying entities of this determination within forty-five (45) days. The notification shall include notice of the right of every entity not chosen to appeal pursuant to the Department's procedures.
5. The IDoA shall grant or contract with the selected provider agency to provide LTCOP services. Such grant or contract must:
 - a. specify the service area;
 - b. require the provider agency to adhere to all applicable federal and state laws, regulations, and this Manual; and
 - c. provide that designation by the SLTCO continues for the duration of the grant or contract and subsequently renewed grant or contracts unless the provider agency is de-designated by the SLTCO.

6. The effective date of the provider agency's grant or contract with the IDoA shall constitute the effective date of the designation of the entity as a provider agency.